

DELEGATED REPORT

Report by Tom Beirne	Date of report: 18/01/2024	Ref: 70064/FUL
Registration: 19/09/2023	LDfC: 12/10/2023	Expiry Date: 14/11/2023
Site Visit: 12/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition 2 (approved plans) of planning permission 68464: Front porch; various alterations to windows (front, side and rear); pitched roof, parapet wall raised; additional render; dormer cladding and rear doors changed to window.

Location: 9 Birch Lea Close, Bury, BL9 9RZ

Description

The application relates to a previous approval for extensions and alterations to the detached, dormer bungalow on a cul-de-sac of similar styled properties. There is an outbuilding in the rear garden which the applicant states was built under permitted development regulations.

The site has gardens to the front, side and rear. The site is bounded by detached bungalows to the east and south, a detached two storey dwelling to the west and the south stand of Bury FC football ground to the north. The immediate neighbour at No.11 is situated along the shared side boundary.

The previous approval for extensions and alterations has been commenced and there have been a number of changes to the approved scheme. Permission is now sought for the changes:

- The front porch would have a pitched roof and measure 3.4m wide with a depth of 1.69m.
- There would be new patio doors at ground floor level on the side elevation, below the balcony.
- The balcony area would be reduced in size from a length of 5.6m to 4.6m. A low parapet wall would run around the balcony area and the obscure glazed screen would remain at a height of 1.7m.
- The property would be rendered instead of brickwork with the dormers finished in brown cladding.

Relevant Planning History

66694 - Replacement of existing dwelling with 2No. 3 bedroom dwellings - Approve with Conditions 28/07/2021

68464 - Two storey extension at side; Part single/Part two storey extension at rear; Single storey extension at side; Dormer extension at front and First floor balcony at side. - Approve with Conditions 25/08/2022

23/0132 - Not built in accordance with approved plans of planning permission 68464 - 20/09/2023

Publicity

Immediate neighbours notified by letter dated 20/09/2023. Objection received from neighbour.

1. The Patio doors below the balcony which is looking directly into my kitchen/lounge was

not on the original planning

2. The window in the outbuilding which is approximately metre from my boundary and also the height of the outbuilding is too high.

3. The balcony is not to the correct height it should be 1750mm

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual amenity - The porch on the front is relatively modest in scale and in keeping with the property. Although the changes from brick to render would have a significant impact on the appearance of the property situated in the corner of the cul-de-sac, the alterations would not be particularly prominent in terms of the streetscape. The dominant feature on the frontage is the roof with the dormer and this is not out of keeping with the streetscape. The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The new window on the side elevation is on the ground floor and faces across the side garden to the boundary fencing 8m away. The balcony area would be reduced and the obscure glazed screen would remain at a height of 1.7m above floor level, as required by a condition of the previous approval. This would maintain an adequate degree of privacy with neighbours to the side, given the distance to the shared boundary. The proposed alterations would not have a serious impact on neighbour amenity and would comply with UDP Policy H2/3 and guidance within SPD6 in relation to residential amenity.

Outbuilding - The applicant has part constructed an outbuilding in the rear north-west corner of the garden. This has been indicated on the block plan and is indicated as 'permitted development' and has not been assessed as part of this proposal.

Objection - The issues raised by the neighbour to the west do not warrant the refusal of planning permission. The new patio doors at ground floor are a sufficient distance away from the boundary not to create a privacy issue.

The proposed balcony screen is indicated at a height of 1.7m from floor level and this is acceptable and complies with guidance.

Issues relating to the outbuilding would not be addressed within this application. The dimensions of the outbuilding would be checked and any action that is required would be taken separately, either through enforcement or otherwise.

Conditions - The conditions 1 (start date) and 3 (Materials) have been addressed and omitted from the decision notice.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 2 This decision relates to drawings numbered 592-01, 02, 03, 04, 05, 06/B, 07F, 08G, 09 and 10D the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 4 Prior to first occupation of the extension, the proposed 'privacy screen' (with minimum obscurity level 3) around the first floor balcony, as indicated on the revised plans, shall be installed to a minimum height of 1.7m and maintained in situ thereafter.
Reason. In order to protect privacy pursuant to UDP Policy H2/3 and associated guidance document 6 Alterations and Extensions.
- 5 Before the first occupation of the extension hereby permitted the ground floor utility room window on the side elevation shall be fitted with obscured glazing (min obscurity level 3) and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	18/01/2024		